## REMARKS

This is in full and timely response to the non-final Office Action mailed on January 26, 2001. Reexamination in light of the amendments and the following remarks is respectfully requested.

Claims 1-2, 5, 7-15, 17-22, and 24-26 are currently pending in this application, with claims 1, 5, 15, and 22 being independent.

Claims 3-4, 8-9, 18, and 23 have been canceled without prejudice or disclaimer of their underlying subject matter.

No new matter has been added.

### Rejections under 35 USC 102 and 103

Claims 1, 2, and 4 were rejected under 35 U.S.C. 102 as allegedly being anticipated by U.S. Patent 5,239,540, issued to Rovira et al. (Rovira).

Claim 3 was rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of U.S. Patent 5,596,373, issued to White et al. (White).

These rejections are respectfully traversed for at least the following reasons.

As an initial matter, while not conceding the propriety of these rejections, and in order to further the prosecution of the application, claims 3 and 4 have been canceled without prejudice or disclaimer of their underlying subject matter, rendering moot these rejections as to claims 3 and 4.

The claimed invention is drawn to a method that includes, *inter alia*, the step of storing at least a portion of the contextual information of the data signal onto a removable memory medium.

The Office Action states that Rovira fails to disclose, teach or suggest the step of storing at least a portion of the contextual information of the data signal onto a removable memory medium.

For the reasons set forth above, Rovira fails to anticipate Applicant's invention, while Rovira and White fail to render Applicant's invention obvious. Furthermore, the claims are considered allowable for the same reasons discussed above, as well as for the additional features they recite.

Withdrawal of these rejections and allowance of the claims is respectfully requested.

Claims 5-7 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of U.S. Patent 5,694,162, issued to Freeny et al. (Freeny).

Claims 8-13 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Freeny, and further in view of U.S. Patent 5,703,795, issued to Mankovitz.

Claims 14-26 were rejected under 35 U.S.C. 103 as allegedly being obvious over Rovira in view of Freeny, and further in view of Rovira, and further in view of U.S. Patent 5,579,537, issued to Takahisa.

These rejections are respectfully traversed for at least the following reasons.

As an initial matter, while not conceding the propriety of these rejections, and in order to further the prosecution of the application, claims 8-9, 18, and 23 have been canceled without prejudice or disclaimer of their underlying subject matter, rendering moot these rejections as to claims 8-9, 18, and 23.

Please note that the features of original claim 9 have been wholly incorporated into original claim 5 to produce amended

claim 5. Because Rovira, Freeny, Mankovitz and Takahisa, either individually or in combination, fail to disclose, teach or suggest features of original claim 9, now set forth as amended claim 5, any new rejection of amended claim 5 and the claims dependent therefrom cannot be necessitated by the amendment.

Please note that the features of original claim 18 have been wholly incorporated into original claim 15 to produce amended claim 15. Because Rovira, Freeny, Mankovitz and Takahisa, either individually or in combination, fail to disclose, teach or suggest features of original claim 9, now set forth as amended claim 15, any new rejection of amended claim 15 and the claims dependent therefrom cannot be necessitated by the amendment.

Accordingly, if by chance that the allowance of at least claims 5-7, 10-17 and 19-21 is not forthcoming, then a new non-final Office action is respectfully requested for the reasons provided herein. See MPEP 706.07(a).

The claimed invention is drawn to a receiver that includes, *inter alia*, a memory for storing at least a portion of the contextual information of the data signal, wherein the memory is a removable memory.

The Office Action states that Rovira fails to disclose,

teach or suggest a memory for storing at least a portion of the contextual information of the data signal, wherein the memory is a removable memory.

Freeny and Takahisa also fail to disclose, teach or suggest the features deficient within Roivra.

The Office action additionally cites Mankovitz for the above-noted features deficient within Roivra. In particular, the Office action contends that "Mankovitz teaches claim 8, 'a memory cartrige for storing at least a portion of said contextual information of said data signal.'"

In response to this contention, the broadcast signal of the claimed invention is an audio signal and a data signal combined. Mankovitz fails to disclose, teach or suggest a broadcast signal that comprises combined audio and data signals.

Furthermore, the claimed data signal contains contextual information about audio programming carried by the audio signal. However, Mankovitz fails to disclose, teach or suggest the broadcasting of contextual information. Instead, the contextual information of Mankovitz is the station or channel, day and time (SDT) (col.8, lines 10-12). Furthermore, the SDT is not provided to the receiver 100 as a broadcast signal. In fact, this SDT is

generated within the receiver 100 (col.10, lines 42-49, and col.11, lines 7-14).

Moreover, the SDT is recorded (col.8, lines 11-12). The recorded SDT is then delivered to central station 20 (col.8, lines 12-15). The central station 20 generates the auxiliary information using a database located at central station 20. This auxiliary information also includes contextual information (col.8, line 46). When the auxiliary information is generated by the central station 20 and a hard copy of the auxiliary information is then delivered from the central station 20 to the user (col.8, line 59 to col.9, line 6).

Thus, Mankovitz fails to disclose, teach or suggest at least a portion of the contextual information of the data signal stored in memory of the receiver, wherein the contextual information about audio programming is carried by the audio signal.

For the reasons set forth above, Rovira, Freeny, Mankovitz and Takahisa, either individually or in combination, fail to render Applicant's invention obvious. Furthermore, the claims are considered allowable for the same reasons discussed above, as well as for the additional features they recite.

Withdrawal of this rejection and allowance of the claims is
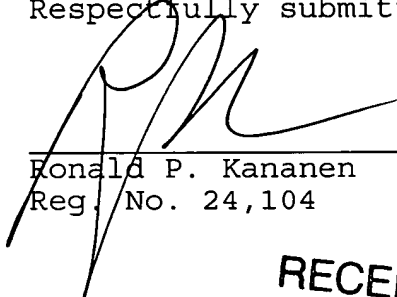
respectfully requested.

## Conclusion

For the foregoing reasons, all the claims now pending in the present application are allowable, and the present application is in condition for allowance. Accordingly, favorable reexamination and reconsideration of the application in light of the amendments and remarks is courteously solicited.

If the Examiner has any comments or suggestions that could place this application in even better form, the Examiner is requested to telephone Brian K. Dutton, Reg. No. 47,255, at 202-955-8753 or the undersigned attorney at the below-listed number.

Respectfully submitted,

DATE:   June 25, 2001

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**APPENDIX**

## IN THE SPECIFICATION

Please amend the specification as follows.

Please replace the paragraph beginning at page 11, line 16 with the following paragraph.

-- The contextual information carried by the data signal is displayed by the processor 102 on a display device 101. The display device 101 may be any device on which some or all of the contextual information can be displayed. However, the display device 101 is preferably a color or monochromatic liquid crystal or electroluminescent or [FED] LED display device capable of displaying both text and images. Contextual information images may include cover art or photos of the artists. --

## IN THE CLAIMS

Please cancel claims 3-4, 8-9, 18, and 23 without prejudice or disclaimer of their underlying subject matter.

Please amend the claims as follows.

1. (amended) A method of providing listeners with information about audio programming being digitally broadcast comprising:

combining a data signal carrying contextual information about said audio programming with an audio signal carrying said audio programming;

receiving said combined data and audio signals with a receiver;

separating said data and audio signals;

transducing said audio signal into audible sound; and

displaying said contextual information of said data signal on a display device of said receiver; and

storing at least a portion of said contextual information of said data signal onto a removable memory medium.

2.    The method of claim 1, further comprising broadcasting said combined data and audio signals as a digital radio signal.

3.    (canceled).

4.    (canceled).

5.    (amended) A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

a transceiver for receiving said broadcast signal;

a signal processor for separating said audio and data signals; [and]

an audio output device for outputting said audio signal;

a memory cartridge for storing at least a portion of said contextual information of said data signal, wherein said memory cartridge is a removable memory cartridge.

6.    The receiver of claim 5, further comprising a display device for displaying said contextual information of said data signal.

7.    The receiver of claim 6, further comprising a user input device for controlling said display of said contextual information on said display device.

8.    (canceled).

9.    (canceled).

10.   (amended) The receiver of claim 5[8], further comprising a user input device for controlling said storage of contextual information in said memory cartridge and accessing stored contextual information in said memory cartridge.

11. The receiver of claim 5, further comprising a connection between said processor and a service provider over which at least a portion of said contextual information may be transmitted to identify particular audio programming to said service provider.

12. The receiver of claim 11, further comprising a user input device for controlling transmission of contextual information over said connection to said service provider and for generating requests to be transmitted to said service provider to purchase a recording of said particular audio programming.

13. The receiver of claim 11, further comprising a memory device for storing audio programming and contextual information received over said connection from said service provider.

14. The receiver of claim 11, wherein said connection to said service provider is a wireless connection.

15. (amended) A method for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said method comprising:

receiving said broadcast signal with a transceiver;

separating said audio and data signals with a signal

processor; [and]

outputting said audio signal; and

storing at least a portion of said contextual information of

said data signal in a removeable memory cartridge.


16. The method of claim 15, further comprising a displaying

said contextual information of said data signal with a display

device.


17. The method of claim 16, further comprising controlling

said display of said contextual information on said display

device with a user input device.


18. (canceled).


19. The method of claim 15, further comprising purchasing a

recording of said audio programming by transmitting at least a

portion of said contextual information to a service provider to

identify said audio programming.


20. The method of claim 19, wherein said transmitting to a

service provider is performed by wirelessly transmitting to said

service provider.

21.   The method of claim 15, further comprising:

transmitting at least a portion of said contextual information to a service provider to identify said audio programming; and

receiving from said service provider additional contextual information for said audio programming.

22.   (amended) A receiver for receiving a broadcast signal which is an audio signal and a data signal combined, said data signal containing contextual information about audio programming carried by said audio signal, said receiver comprising:

means for receiving said broadcast signal;

means for separating said audio and data signals; [and]

means for outputting said audio signal;

means for displaying said contextual information of said data signal; and

means for storing at least a portion of said contextual information of said data signal, wherein said storing means is removable.

23.   (canceled).

24.   (amended) The receiver of claim 22[23], further comprising means for controlling said display of said contextual information on said display device.

25.   The receiver of claim 22, further comprising means for storing at least a portion of said contextual information of said data signal.

26.   The receiver of claim 22, further comprising a means for transmitting at least a portion of said contextual information to a service provider to purchase a recording of said audio programming.